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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,808	12/20/2001	Ernst Faber	FABER,S-7	5272

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/913,808

Applicant(s)

FABER, ERNST

Examiner

Jill E. Culler

Art Unit

2854

en

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,432,281 to Wall et al. in view of U.S. Patent No. 5,855,170 to Shih and U.S. Patent No. 5,577,444 to Toyama and U.S. Patent No. 5,048,414 to Hoshino.

With respect to claims 19-20, Wall et al. teaches a self-inking hand stamp with upper impact inking, comprising a stamp housing, 1, a stamp aggregate, arranged in the stamp housing, capable of moving from an inking position on an ink pad, 7, into a stamping position, an actuating frame, 4, incorporating a reversing mechanism mounted in the form of a cap on top of the stamp housing, 1, and capable of being depressed relative thereto against a spring force for moving the stamp aggregate from the inking position into the stamping position, the actuating frame, 4, two broad sides opposite each other, two narrow sides opposite each other, extending into legs resting laterally on the stamp housing, 1, and a top side.

Wall et al. does not teach that the top side of the stamp has a receiving recess for accommodating an information sheet, the receiving recess extending continually from the top side to at least one of the broad sides and being delimited by edges before it reaches the narrow sides, or a one-piece, transparent cover, detachably mounted

Art Unit: 2854

over the receiving recess, the cover being curved to conform to the receiving recess.

Wall et al. also does not teach that the receiving recess is substantially U-shaped and extends from the top side to both broad sides of the actuating frame and that the transparent cover is conformingly U-shaped.

Shih teaches a hand stamp having a top side with a receiving recess, 31, for accommodating an information sheet, 35, with a detachably mounted transparent cover, 34, associated with said receiving recess.

Toyama shows a hand stamp with a handle having a recess delimited by edges before it reaches the narrow sides, extending continually from the top side to at least one of the broad sides with a generally U-shaped cross section.

Hoshino teaches a stamping device, 1, having a cover, 57, extending continually from the top to one side and delimited by edges before it reaches the other sides, and displaying informational content, 58.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hand stamp of Wall et al. using the receiving recess and transparent cover design of Shih in the shape of the recess of Toyama in order to be able to retain an information sheet along the top and sides of the hand stamp for maximizing the information provided to the user, as taught by the design of Hoshino.

With respect to claims 21-25, Wall et al. teaches a cover, 4b, connected to the top of the actuating frame, 4, which has locking projections in the form of strips, shaped by molding, on the edges of the cover, for snapping into locking recesses or windows

Art Unit: 2854

located on the edge of the receiving recess. Wall also teaches a support shoulder at at least one of the edges of the receiving recess for supporting the edge of the cover

Wall et al. does not teach that these locking projections are part of a transparent cover and receiving recess or that the locking projections also form means for holding the information sheet on the inner side of the transparent cover.

Shih teaches a transparent cover having locking projections, 341, which snap into locking recesses, 313, in the receiving recess and form a means for holding the information sheet on the inner side of the transparent cover.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the cover design of Wall et al. to attach the transparent cover of the proposed modified device of wall et al. in order to firmly seat the cover and retain the information sheet.

3. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,432,281 to Wall et al. in view of U.S. Patent No. 5,855,170 to Shih and U.S. Patent No. 5,577,444 to Toyama.

With respect to claims 19-20, Wall et al. teaches a self-inking hand stamp with upper impact inking, comprising a stamp housing, 1, a stamp aggregate, arranged in the stamp housing, capable of moving from an inking position on an ink pad, 7, into a stamping position, an actuating frame, 4, incorporating a reversing mechanism mounted in the form of a cap on top of the stamp housing, 1, and capable of being depressed relative thereto against a spring force for moving the stamp aggregate from the inking

Art Unit: 2854

position into the stamping position, the actuating frame, 4, two broad sides opposite each other, two narrow sides opposite each other, extending into legs resting laterally on the stamp housing, 1, and a top side.

Wall et al. does not teach that the top side of the stamp has a receiving recess for accommodating an information sheet, the receiving recess extending continually from the top side to at least one of the broad sides and being delimited by edges before it reaches the narrow sides, or a one-piece, transparent cover, detachably mounted over the receiving recess, the cover being curved to conform to the receiving recess. Wall et al. also does not teach that the receiving recess is substantially U-shaped and extends from the top side to both broad sides of the actuating frame and that the transparent cover is conformingly U-shaped.

Shih teaches a hand stamp having a top side with a receiving recess, 31, for accommodating an information sheet, 35, with a detachably mounted transparent cover, 34, associated with said receiving recess.

Toyama shows a hand stamp with a handle having a recess delimited by edges before it reaches the narrow sides, extending continually from the top side to at least one of the broad sides with a generally U-shaped cross section.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hand stamp of Wall et al. using the receiving recess and transparent cover design of Shih in the shape of the recess of Toyama in order to be able to retain an information sheet along the top and sides of the hand stamp for maximizing the information provided to the user. It should be noted that, although

Art Unit: 2854

Toyama does not explicitly teach a detachable transparent cover, one having ordinary skill in the art would realize that a delimited area indicated on the handle of a stamp, as seen in Figure 3 of Toyama, would most likely represent a receiving recess for holding an information sheet with a transparent cover to provide protection for the information.

With respect to claims 21-25, Wall et al. teaches a cover, 4b, connected to the top of the actuating frame, 4, which has locking projections in the form of strips, shaped by molding, on the edges of the cover, for snapping into locking recesses or windows located on the edge of the receiving recess. Wall also teaches a support shoulder at at least one of the edges of the receiving recess for supporting the edge of the cover

Wall et al. does not teach that these locking projections are part of a transparent cover and receiving recess or that the locking projections also form means for holding the information sheet on the inner side of the transparent cover.

Shih teaches a transparent cover having locking projections, 341, which snap into locking recesses, 313, in the receiving recess and form a means for holding the information sheet on the inner side of the transparent cover.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the cover design of Wall et al. to attach the transparent cover of the proposed modified device of wall et al. in order to firmly seat the cover and retain the information sheet.

Art Unit: 2854

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wall et al., Shih, Toyama and Hoshino, as applied to claims 19-25 above, and further in view of U.S. Patent No. 5,623,875 to Perets.

Wall et al., Shih, Toyama and Hoshino teach all that is claimed, as in the above rejection of claims 19-25, except that the transparent cover is curved in transverse and longitudinal directions.

Perets shows a hand stamp having a cover which is curved in transverse and longitudinal directions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the handle design of Wall et al. using the curving structure of Perets in order to provide a more advantageous surface for grasping the stamp.

### ***Response to Arguments***

5. Applicant's arguments filed May 2, 2003, have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a



Art Unit: 2854

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that Toyama does not teach a recess in the handle, although it is true that Toyama does not explicitly describe the structure, one having ordinary skill in the art would realize that a delimited area indicated on the handle of a stamp, as seen in Figure 3 of Toyama, would most likely represent a receiving recess for holding an information sheet with a transparent cover to provide protection for the information.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (703) 308-1413. The examiner can normally be reached on M-Th 7:30-5:00.

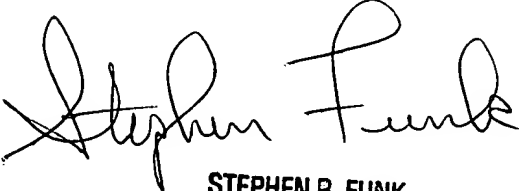
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Application/Control Number: 09/913,808  
Art Unit: 2854

Page 9

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

jec  
July 28, 2003



STEPHEN R. FUNK  
PRIMARY EXAMINER